

HOUSE BILL 1985

By Turner L

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 2, to provide for a moratorium on
executions.

WHEREAS, the general assembly of the state of Tennessee recognizes the value of
each person's life and the need to protect that life whenever possible: and

WHEREAS, significant numbers of Tennesseans, including members of this body, have
grave reservations about the fairness in the way that the death penalty is imposed in our state
and elsewhere, as well as concern about the cost to taxpayers of carrying out the death penalty:
and

WHEREAS, new methods and technologies for determining guilt or innocence have
shed new light on the causes of wrongful convictions and led to questions regarding the
reliability of Tennessee's capital punishment process; and

WHEREAS, many Tennesseans maintain that inadequate representation, economic
status, race, judicial error, overzealous prosecution, or other factors may deny some defendants
the right to adequate representation or to a fair trial in capital cases; and

WHEREAS, studies of various aspects of Tennessee's capital punishment system are
currently underway: and

WHEREAS, continuing to carry out executions while significant questions regarding the
fairness and accuracy of Tennessee's death penalty exist may lead to unacceptable and
irreversible injustice to Tennessee's citizens; and

WHEREAS it is consistent with Tennessee's history, philosophy, and values to ensure a
system of justice which is fair, impartial, and eschews vengeance; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-204, is amended by adding a new subsection thereto, as follows:

(l)

(1) Notwithstanding any other provision of law to the contrary, no sentence of death shall be carried out from the effective date of this act through May 2, 2009.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, all trials, sentencing hearings, and post-conviction appellate procedures for first degree murder shall continue. Persons may be sentenced to death during the moratorium on the death penalty provided by this subsection, provided that no sentence of death shall be carried out unless it conforms with subdivision (1).

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.